

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SUSAN TAYLOR, individually and on behalf
of all others similarly situated,

Plaintiff, v.	<u>ORDER</u>
HV CARS, LLC D/B/A HUDSON VALLEY CHRYSLER DODGE JEEP RAM,	20 CV 7329 (VB)
Defendant.	

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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On December 18, 2020, defendant moved to dismiss the amended class action complaint. (Doc. #18). On the same day, defendant filed a motion to stay this proceeding pending the U.S. Supreme Court's decision in Facebook, Inc. v. Duguid, No. 19-511. (Doc. #19).

By Text Order dated December 21, 2020, the Court stayed plaintiff's deadline to respond to the motion to dismiss pending the disposition of defendant's motion to stay. (Doc. #20).

On April 1, 2021, the Supreme Court issued its decision in Facebook, Inc. v. Duguid, ___ S. Ct. ___, 2021 WL 1215717 (S. Ct. Apr. 1, 2021), which resolved a circuit split regarding what type of equipment qualifies as an automatic telephone dialing system ("ATDS").

Accordingly, it is HEREBY ORDERED:

1. Defendant's motion to dismiss is DENIED WITHOUT PREJUDICE to refiling in light of the Supreme Court's decision.
2. By April 22, 2021, defendant shall answer, move, or otherwise respond to the amended complaint.
3. Defendant's motion to stay is DENIED as moot. (Doc. #19).
4. The Clerk shall terminate defendant's motion to dismiss (Doc. #18) and motion to stay (Doc. #19).

Dated: April 1, 2021
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge